

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION INTO DELAPLAIN	)	CASE NO.
DISPOSAL COMPANY	)	89-218

O R D E R

On December 1, 1989, the Commission entered an Order adopting a Settlement Agreement between Commission Staff and Delaplain Disposal Company ("Delaplain"). The Settlement Agreement resolved all issues in the Commission's show cause proceeding against Delaplain for: constructing facilities without obtaining a Certificate of Public Convenience and Necessity; obtaining financing for said construction without Commission authorization; and implementing tap-on fees of \$2500 to 6 industrial customers without Commission approval.

The terms of the Settlement Agreement required Delaplain to refund \$2,000 of the \$2500 tap-on fee to each of the 6 industrial customers within 1 year of the date of entry of the Commission's Order. Proof that all reimbursements had been made was ordered to be forwarded to the Commission within the same time period. As of this date, the Commission has not received proof that the reimbursements were made.

On February 13, 1991, Delaplain filed a motion with the Commission to reopen this proceeding and to schedule a conference with Staff to afford Delaplain the opportunity to explain its

failure to comply with the terms of the Commission's December 1, 1989 Order.

Having reviewed the evidence of record and being otherwise sufficiently advised, the Commission finds that this proceeding should be reopened for the limited purpose of addressing Delaplain's failure to comply with the terms of the Commission's December 1, 1989 Order, specifically, those terms requiring Delaplain to reimburse 6 industrial customers the sum of \$2,000 each.

IT IS THEREFORE ORDERED that this case be reopened and that an informal conference is hereby scheduled for March 14, 1991 at 10:00 a.m., Eastern Standard Time, in Conference Room 2 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky.

IT IS FURTHER ORDERED that a copy of this Order shall be served upon the 6 affected industrial customers listed below, who shall be permitted to request intervention in this proceeding and/or to attend the informal conference scheduled herein.

1. Trinity Manufacturing
2. Comfort Inn
3. Delaplain Center-Hamilton Oil
4. NYK Properties
5. Grandma's Kitchen
6. Georgetown Auto/Truck

Done at Frankfort, Kentucky, this 7th day of March, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director